

House File 355 - Introduced

HOUSE FILE 355

BY SWEENEY and GRASSLEY

A BILL FOR

1 An Act relating to agriculture, by eliminating certain powers
2 of and requirements administered by the department of
3 agriculture and land stewardship.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I

ORGANIC NUTRIENT MANAGEMENT

Section 1. REPEAL. Sections 161C.5 and 161C.6, Code 2011, are repealed.

Sec. 2. MONEYS IN THE ORGANIC NUTRIENT MANAGEMENT

FUND. Moneys in the organic nutrient management fund shall be retained by the department of agriculture and land stewardship for purposes of supporting its soil conservation division for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

DIVISION II

CONTROL OF PATHOGENIC VIRUSES IN POULTRY

Sec. 3. Section 165B.2, subsection 1, Code 2011, is amended to read as follows:

1. a. The provisions of this chapter, including departmental rules adopted pursuant to this chapter, shall be administered and enforced by the department. ~~The department shall establish, by rule, civil penalties which may be administratively or judicially assessed. The department may impose, assess, and collect the civil penalties.~~ The attorney general or county attorney may bring a judicial action or prosecution necessary to enforce the provisions of this chapter.

b. The department shall retain moneys from civil penalties that it collects under this chapter. The moneys are appropriated to the department for the administration and enforcement of this chapter. Notwithstanding section 8.33, such moneys shall not revert, but shall be retained by the department for the purposes described in this paragraph. ~~The department shall submit a report to the chairpersons of the joint appropriations subcommittee on agriculture and natural resources by January 5 of each year. The report shall state, at a minimum, the total amount of moneys collected during the past calendar year and describe how these moneys were expended.~~

DIVISION III

1 BULK DRY ANIMAL NUTRIENT PRODUCTS

2 Sec. 4. Section 200A.10, subsection 3, Code 2011, is amended
3 by striking the subsection.

4 DIVISION IV

5 AGRICULTURAL REMEDIATION

6 Sec. 5. Section 455B.601, subsection 2, Code 2011, is
7 amended to read as follows:

8 2. This section is applicable to a site upon which
9 contamination has been discovered, unless ~~one of the following~~
10 ~~applies:~~

11 ~~a. Remediation~~ remediation on the site has already been
12 approved by the department and implemented.

13 ~~b. A responsible person has executed a remediation agreement~~
14 ~~with the agrichemical remediation board and the responsible~~
15 ~~person is remediating or has remediated the site pursuant to a~~
16 ~~plan of remediation as provided in chapter 161.~~

17 Sec. 6. PAYMENT OF OUTSTANDING CLAIMS. The executive
18 council shall allocate moneys, from moneys in the general fund
19 of the state which are not otherwise obligated or encumbered,
20 for the payment of any outstanding claim for the remediation of
21 a contaminated site as provided in chapter 161 as that chapter
22 existed when the agrichemical remediation board executed a
23 remediation agreement with the claimant. The executive council
24 shall pay the claimant the same amount in the same manner as
25 the agrichemical remediation board would have paid the claimant
26 from the agrichemical remediation fund.

27 Sec. 7. REPEAL. Chapter 161, Code 2011, is repealed.

28 DIVISION V

29 SWINE DEALER LICENSING

30 Sec. 8. Section 163.30, subsection 3, paragraph c, Code
31 2011, is amended to read as follows:

32 *c.* Each employee or agent doing business by buying for
33 resale, selling, or exchanging feeder swine in the name of
34 a licensed dealer shall be required to secure a permit ~~and~~
35 ~~identification card~~ issued by the department showing the

1 person is employed by or represents a licensed dealer. All
2 such permits ~~and identification cards~~ shall be issued upon
3 application forms furnished by the department at a cost of
4 three dollars per annum, and shall expire on the first day of
5 July following the date of issue.

6 EXPLANATION

7 GENERAL. This bill relates to agriculture and specifically
8 the authority of the department of agriculture and land
9 stewardship (DALs) to administer and enforce a number of
10 statutory provisions.

11 DIVISION I — ORGANIC NUTRIENT MANAGEMENT. The bill
12 eliminates the organic nutrient management fund (Code section
13 161C.5) used to support the organic nutrient management
14 program (Code section 161C.6), which the bill also eliminates.
15 The fund and the program are administered by DALs' soil
16 conservation division. The purpose of the fund and program
17 is to provide financial incentives to establish livestock
18 manure management systems in order to facilitate the proper
19 utilization of livestock manure, and to protect the water
20 resources of the state from livestock manure runoff. The fund
21 has a balance of less than \$20, which is to be retained by the
22 division.

23 DIVISION II — CONTROL OF PATHOGENIC VIRUSES IN POULTRY.
24 The bill eliminates provisions in Code section 165B.2 which
25 authorize DALs to regulate certain viruses affecting poultry,
26 including avian paramyxovirus, commonly referred to as
27 Newcastle disease, and avian influenza (defined as pathogenic
28 viruses). Specifically, the bill eliminates a provision which
29 authorizes DALs to adopt rules for the establishment of civil
30 penalties which may be administratively or judicially assessed.

31 The bill does not amend other statutory provisions which
32 provide DALs with similar authority to regulate the prevention
33 and control of pathogenic viruses. DALs may adopt rules for
34 civil penalties under Code chapter 163 which may also be
35 administratively or judicially assessed (Code section 163.61),

1 and may continue to provide civil penalties for certain
2 violations of Code chapter 165B (Code sections 165B.4 and
3 165B.5).

4 DIVISION III — BULK DRY ANIMAL NUTRIENT PRODUCTS. The bill
5 eliminates a provision in Code chapter 200A which provides for
6 the regulation of bulk dry animal nutrient (manure) products.
7 Specifically, the eliminated provision allows DALs to enter
8 onto public or private premises in order to conduct laboratory
9 examinations to determine if such products comply with the Code
10 chapter's standards (Code section 200A.10(3)).

11 DIVISION IV — AGRICULTURAL REMEDIATION. The bill
12 eliminates Code chapter 161 providing for agrichemical
13 remediation. An "agrichemical" is defined as a fertilizer
14 or pesticide (Code section 161.2). The Code chapter is
15 administered by an agrichemical remediation board (Code
16 section 161.3) which is responsible for executing remediation
17 agreements with persons and carrying out a plan to remediate
18 a contaminated site (Code section 161.8). The board is
19 also responsible for the payment of claims associated with
20 remediation costs (Code section 161.9). The payment of claims
21 is supported by available moneys in an agricultural remediation
22 fund. In 2009, Senate File 467 (2009 Iowa Acts, chapter 175,
23 section 4) appropriated all unobligated or unencumbered moneys
24 from the fund to support DALs. The bill requires the executive
25 council to satisfy any outstanding claims against the fund.

26 DIVISION V — SWINE DEALER LICENSING — IDENTIFICATION CARD.
27 The bill eliminates a provision that requires persons employed
28 or acting on behalf of a licensed feeder swine dealer to obtain
29 an identification card issued by the department.